

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
767-2370

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Staff: LRO-SD  
Staff Report: 11/20/01  
Hearing Date: 12/11-14/01

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-136

Applicant: City of San Diego

Agent: Ken Finnigan

Description: Seismic retrofit of the west Mission Bay Drive bridge including reinforcement of existing piers and joining the paired piers together at the water line.

Site: West Mission Bay Drive bridge over Mission Bay Channel, Mission Bay Park, San Diego, San Diego County. APNs 435-482-48, -49

Substantive File Documents: Certified Mission Bay Park Master Plan; Proposed Mitigated Negative Declaration/LDR No. 98-0799 – 10/1/01; Environmental Site Investigations for the West Mission Bay Drive Bridge Seismic Retrofit Project San Diego, California LDR #98-0799 by Merle and Associates, Inc. dated 3/27/98 and updated 8/2/01; Letter from U.S. Fish and Wildlife Service to City of San Diego (date stamped 4/6/01).

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed seismic retrofit of the Mission Bay Drive bridge with special conditions. The project raises concerns over potential impacts to biological resources and public access. The project will result in direct impacts to 0.16 acres of eelgrass habitat and the applicant has proposed a mitigation plan for restoration/creation of this habitat in the proposed area. The applicant also proposes to schedule the first phase of the project outside of the breeding season of the California Least tern. The U.S. Fish and Wildlife Service (USFWS) has determined that the proposed mitigation plan to avoid impacts to sensitive bird species is adequate. Special Condition #1 requires submittal of a final mitigation plan to assure that the revegetated area thrives. Special Condition #2 requires a final monitoring plan. Special Condition #3 requires that development be prohibited between April 1<sup>st</sup> to September 1<sup>st</sup> of any year to avoid adverse impacts to the California Least tern. Special Condition #4 requires

submittal of plans for construction access/staging areas to assure that access corridors and staging areas are located in a manner that has the least impact on public access via the maintenance of vehicular traffic flow on coastal access routes (Mission Bay Drive bridge). With these conditions, all potential impacts have been eliminated or reduced to the maximum extent feasible.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-01-136 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Eelgrass Impacts. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final mitigation program approved by the California Department of Fish and Game for the permitted eelgrass impacts, which shall be in

substantial conformance with the Mitigated Negative Declaration/LDR No. 98-0799 dated October 1, 2001 and which will include the following provisions:

- a. Permanent and temporary impacts to eelgrass resources shall be limited to those areas shown in Figure 3 of the Mitigated Negative Declaration/LDR No. 98-0799 dated October 1, 2001.
- b. A pre-construction survey of the existing eelgrass beds shall be completed to establish the pre-impact conditions of the eelgrass beds and the density of the beds prior to implementation of the proposed project. The survey shall be submitted to the Executive Director before commencement of construction and shall indicate the length, width, and density of the eel grass beds.
- c. A post-construction survey shall be completed within 14 days following construction to determine the actual footprint of eelgrass impact. Within 30 days after completion of the post-construction survey, the permittee shall submit a report to the Executive Director that includes the post-construction survey. The report shall identify the amount of eelgrass impacted by the project based upon comparison of the pre- and post-construction surveys. The report shall also include recommendations for any changes to the Mitigated Negative Declaration/LDR No. 98-0799, a restoration schedule and an estimate of the square footage of area to be replanted.
- d. Eelgrass impacts shall be mitigated by replanting eelgrass at the project site at a ratio of 1.2 square feet of mitigation area for each square foot of area impacted.
- e. Prior to commencement of the mitigation/transplant, the applicant shall obtain final approval for the method of transplant from the California Department of Fish and Game (CDFG). All methods of eelgrass mitigation must be performed consistent with the guidelines established in the Mitigated Negative Declaration/LDR No. 98-0799 dated October 1, 2001. Any deviations from this program must be reported immediately to the Executive Director.

The permittee shall undertake development in accordance with the approved mitigation program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Monitoring Program for Eelgrass Mitigation. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final monitoring program approved by the California Department of Fish and Game for the permitted eelgrass impacts, which shall be in substantial conformance with the Mitigated Negative Declaration/LDR No. 98-0799, and which will include the following provisions:

- a. The applicant shall agree to undertake the monitoring requirements in accordance with the Mitigated Negative Declaration/LDR No. 98-0799 dated October 1, 2001.
- b. The mitigation monitoring program, as proposed, shall occur over a five-year period to ensure establishment and to verify that minimum coverage and density requirements are achieved.
- c. For each monitoring, a summary report will be prepared and submitted to the California Coastal Commission, U.S. Army Corps of Engineers, California Department of Fish and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service and City of San Diego within 30 days of completion of the monitoring.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Period for Nesting Season of Sensitive Bird Species. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final construction schedule to the Executive Director for review and written approval. The schedule shall include the following:

- a) Prohibit phase one (pile skirt removal and pile driving of casing) construction activities within the period of April 1<sup>st</sup> to September 1<sup>st</sup> of any year to prevent disturbance to the breeding season of the endangered California least tern which nest near Mission Bay. Night time work will be allowed to further assure that phase one (pile skirt removal, pile driving of casing) of the project is completed prior commencement of the tern breeding season.
- b) Phase two (reinforcing bridge columns including drilling and addition of rebar for additional bridge strength) construction activities of the bridge retrofit may be permitted between April 1<sup>st</sup> to September 1<sup>st</sup> and shall be conducted in a manner so as to reduce any possible indirect impacts to least terns during the breeding season which begins April 1st.
- c) No increase in ambient noise levels are permitted to occur near the breeding colony. Noise levels shall be monitored during construction activities. If any increase in ambient noise levels occurs, all construction activities shall cease and the applicant shall contact the USFWS and the Executive Director prior to commencement with any further construction activities.
- d) Any alterations to phase two activities and other exceptions to the construction schedule must be reviewed and approved in writing by the U.S.

Fish and Wildlife Service. No changes to the schedule shall occur without an approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Construction Access/Staging Areas. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, construction access and staging plans that includes the following:

- a) The plans shall indicate the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project.
- b) Staging/storage areas shall not be permitted within any areas where sensitive bird species exist.
- c) No overnight storage of equipment or materials shall occur on public parking spaces between Memorial Day and Labor Day weekend. The staging site shall be removed and/or restored immediately following completion of the development.
- d) Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of vehicular traffic flow on coastal access routes (Mission Bay Drive bridge, in this instance) and pedestrian and bicycle access to areas of Mission Bay not directly involved in construction of the project.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the seismic retrofit of the West Mission Bay Drive bridge which crosses over the Mission Bay Channel. The proposed improvements include the reinforcement of the eight sets of support piers and two abutments of the existing bridge. As such, the work will occur within the bay itself. The project is designed to bring the existing bridge up to present seismic design standards and to repair the structure. The proposed project will not result in any increase in the size of the roadbed, increase in the number of piers, distance of the bridge from the water, or existing uses on the bridge platform. The bridge currently consists of two side-by-side bridges (north and south bound) supported by a single row of piers aligned with the

adjacent piers to create seven navigational bays within the Mission Bay Channel. The proposed project would reinforce these piers and join the paired piers together at the waterline to create additional support under tangential or torsional loads resulting from seismic events. The proposed project would result in the placement of four 4-foot diameter cast-in steel shell concrete piles at each of the two piers (32 piers total). Also, proposed is expansion of the pier cap at each pier, replacement of pier skirts, replacement of bridge hardware and rails and relocation of navigational aid lights. No dredging is proposed. The width of the clearance between bridge piers would be reduced from 116 to 114 feet.

Mission Bay Park in this location is an area of original jurisdiction, where the Commission retains coastal development permit authority. Thus, the standard of review is Chapter 3 policies of the Coastal Act with the certified LCP used for guidance.

2. Biological Resources/Eelgrass and Sensitive Bird Species. The following Chapter 3 policies of the Coastal Act apply to the subject proposal and state, in part:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, Section 30233 of the Act is applicable to the proposed development and states the following:

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this

division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

[...]

The proposed project raises issues under Section 30233 of the Coastal Act since it will involve "fill", as defined by the Coastal Act, consisting of the placement of support piles consisting of six in-water, cast-in steel shell concrete support piers, which will occur in the bay. This section of the Coastal Act sets forth a three-part test for all projects involving the fill of coastal waters and wetlands. These are:

- 1) That the project is limited to one of the eight stated allowable uses;
  - 2) That the project has no feasible less environmentally damaging alternative;
- and,

- 3) That adequate mitigation measures have been provided to minimize adverse environmental effects.

In this particularly case, the proposed development meets the above requirements. The proposed development will occur in open coastal waters. However, as an improvement to an existing bridge to render it safe under seismic conditions without increasing the bridge's capacity, the proposed development is an incidental public service under Section 30233(5). As such, the development is an allowed use in open coastal waters. The project site encompasses 16.5 acres located within the 4,600 acre Mission Bay Park. Mission Bay Park encompasses what was once a vast tidal marsh created by the wide delta of the San Diego River. Extensive dredging and filling operations in the late 1940's resulted in the conversion of this marsh land into an intensively used regional aquatic park.

As noted earlier, the proposed project will stabilize two parallel bridges with reinforcement and infilling of the bridge archways without changes to the bridge platform footprint or the height of the span (reference Exhibit No. 2). The project involves driving 180 new 24-inch support piles resulting in six, in-water, cast-in-steel shell, concrete support piers. Also proposed is replacement of deteriorating concrete and steel, expansion joints, shear keys and restrainer units. The proposed project also requires the temporary filling of the channel for construction access to the relatively low-span bridge and for stationing the construction equipment. However, the fill is very minimal and will be removed after construction is completed. In addition, no dredging of the channel, shallow waters, or intertidal areas is proposed.

Based on a biological report that was completed by Merkel and Associates, Inc. dated 3/27/98 and updated 8/2/01, surveys of the project site reveal that approximately 0.16 acres (7,161 sq.ft.) of eelgrass exist within the 11 acre study area. Eelgrass beds were observed on the northwest and southwest sides of the bridge which were robust and relatively dense and in good health. No eelgrass beds were observed on the northeast side of the bridge. Less dense and smaller stature eelgrass exists on the southeast side of the bridge. In addition, small isolated patches of eelgrass that are in poor health are located near the rip-rap shoreline of the southeast side of the bridge. The impacts to eelgrass beds will occur as a result of the placement of pilings in the water as structural support for the existing bridge. The proposed impacts are considered temporary and permanent in nature. That is, the temporary impacts will result from placement of temporary piles and scaffolding and permanent impacts would result from placement of new piles as part of the permanent footprint of the bridge structure. The City has indicated that the impacts to eelgrass beds are proposed to be minimized to the maximum extent possible through the use of small construction equipment such as jack hammers (as opposed to larger construction equipment). Although eelgrass habitat will be avoided to the extent possible, the applicant still estimates approximately 0.16 acres of impacts to the eelgrass habitat and has developed an eelgrass mitigation and monitoring program, which has been accepted by the USFWS.



All impacts to eelgrass are proposed to be mitigated through onsite transplantation at a 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy. If the attempt for onsite mitigation fails then mitigation credits shall be extracted from the Mission Bay Eelgrass Mitigation Bank at a 1.2:1 ratio. The mitigation program is outlined in the Mitigated Negative Declaration which is reiterated in Special Condition No. 1 which requires submittal of final mitigation program consistent with the mitigation and monitoring program described in the proposed Mitigated Negative Declaration dated 10/1/01. The program will require pre- and post-construction surveys to determine the extent of any damage to eelgrass beds caused by the project, revegetation of all affected areas, and monitoring for five years to determine the success of the revegetation. Special Condition #2 requires submittal of a monitoring program to assure the mitigation efforts are successful.

As conditioned to minimize and mitigate impacts to eelgrass, the proposed development is consistent with the requirement of Section 30231 to maintain the biological productivity of coastal waters.

In addition, the proposed project is in close proximity to an existing California least tern nesting colony at Mariners Point in Mission Bay. Specifically, the nesting site is located approximately 1,500 feet from the proposed bridge retrofit location. Mariners Point has been one of the most successful tern nesting colonies in southern California and is designated as a sensitive area under the City's Multiple Species Conservation Program (MSCP). The U.S. Fish and Wildlife Service (USFWS) has reviewed the proposed project in conjunction with the City of San Diego and has given input regarding their concerns relative to potential impacts on sensitive bird species in the area. The City has indicated that the proposed project will take approximately one year to complete. The first phase consists of the heaviest construction activities which involve pile skirt removal and pile driving of the casing. This phase of the project occurs in the water and is expected to last approximately six months. At the recommendation of USFWS, this portion of the project has been scheduled to occur outside of the least tern breeding season. The USFWS has encouraged the City to perform work at night to assure that this phase of the project is completed prior to the commencement of the nesting season (September 15-April 1). In addition, the existing bridge spans Mission Bay Channel which is a known foraging area for Least terns. The proposed project has been phased such that pile driving activities will occur outside the Least tern nesting season and will require the use of sediment/silt controls (pursuant to the mitigation and monitoring program) to minimize increased turbidity and avoid potential adverse effects to least tern foraging.

Phase two of the project involves reinforcement of the bridge columns including drilling and the addition of rebar for additional bridge strength. This phase of the project involves lighter construction activities that will occur to the underside of the bridge and will not involve any work in the water. USFWS has encouraged the City to reduce any during this phase of the project as it is scheduled to occur during the breeding season. USFWS has required that as long as possible indirect impacts to terns are reduced and ambient noise levels near the breeding colony are not increased, that this phase of the

work may proceed during the breeding season. However, any changes to the schedule or noise level will require further review by USFWS. Special Condition No. 3 reiterates these requirements. In addition, Special Condition No. 4 also requires, in part, that staging/storage areas shall not be permitted within any areas where sensitive bird species exist. Therefore, as conditioned, the proposed development complies with the requirement of Section 30240 to avoid significant disruption or degradation of the nearby least tern nesting area. As conditioned, the Commission finds the proposal consistent with the cited resource provisions of the Coastal Act.

4. Public Access/Traffic Circulation. Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
  - (2) adequate access exists nearby, or,
  - (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway....

Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Access to the piers on the bridge will be by barges or construction of temporary causeways. The proposed seismic retrofit of the proposed project is scheduled to occur in two phases. The first phase has specifically been scheduled such that no work shall occur between April 1<sup>st</sup> to September 1<sup>st</sup> in order to avoid impacts to the endangered California Least tern which nests at a colony within 1,500 feet of the project site. As noted earlier, this phase of the project involves the heaviest construction activities in the water. The second phase of the project which involves much lighter construction work to the

underside of the bridge will occur during the peak summer season. The public access and recreation policies place a high priority on the maintenance of access to the shoreline and designated recreational sites. In this particular case, the proposed project will not result in the closure of any lanes on the bridge at any time. As such, public access (including use by pedestrians and bicyclists, etc.) along this major coastal access route will be maintained year-round. In addition, the proposed project will result in a safer bridge for public access in the area.

A second potential concern is with regard to impacts to public access in the Bay itself (i.e., such as boating and other recreational uses). Mission Bay Park is a heavily-used recreational facility frequented by recreational boaters, those who water ski and jet ski, and also fish, etc. However, as noted above, the heaviest construction activities involving work in the bay itself will occur during the winter months when boating and recreational activities are less frequent. The lighter construction activities which will occur to the bridge structure itself outside of the water will be scheduled to occur between April 1st through September 1st which is the peak season for public access and recreation in the nearshore areas. In addition, construction may occur up to 24-hours per day in order to further minimize disruption of boat traffic, etc. in the area. As such, the proposed project should not have any adverse impacts on recreational uses that occur in the bay. Furthermore, according to the environmental report completed, the overall bridge would remain unchanged in the number or location of support piers and no dredging is proposed. Although each of the seven 116-foot wide navigable passages between the bridge piers would be reduced in width to approximately 114 feet, given the recreational nature of Mission Bay and the small sizes of boating crafts that can be accommodated by the bay depths, this minor reduction in width of the passage would not significantly impede or inhibit public access along the water. In addition, as noted earlier, the total project construction is expected to last approximately one year. As such, given that the impacts will be temporary in nature, no long-term or permanent impacts to public access or recreation activities in the area will occur as a result of project implementation.

As part of the proposed project, the City will also be relocating the navigational aid lights towards the outward ends of the modified bridge abutments. This aspect of the proposal has been reviewed by the U.S. Coast Guard to assure that the replacement lighting meets safety and visibility standards. In addition, the applicant has moved the previously proposed staging area near Mariners Point to a different location in Mission Bay Park to avoid impacts to the sensitive bird species. The proposed staging areas would be adjacent to the southern bridge abutments and would use adjacent turf and parking lot areas within Mission Bay Park. Special Condition No. 4 requires submittal of a construction access/staging area plans to further assure that staging/storage areas shall not be permitted in close proximity to areas used by sensitive bird species or usurpation of public parking areas during the peak summer season between Memorial Day and Labor Day weekend. The condition also assures that access corridors and staging areas not result in disruption to public access along the Mission Bay Drive Bridge and that vehicular/pedestrian/bicycle access be maintained. Therefore, the proposed project should not result in any long-term impacts to public access or traffic circulation. As

such, the project can be found consistent with Sections 30210, 30221 and 30212 of the Coastal Act.

5. Visual Resources. Section 30251 of the Coastal Act states the following:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Any adverse visual impacts of the development will be generally limited to the construction periods. Although the seismic retrofitting of the bridge structure will result in the slight change to the appearance of the bridge at the water line, it should not result in any adverse visual impacts. The bridge railings will also be replaced or repaired (i.e., repainted, etc.) and in those cases where the railing may be replaced, it will be replaced in kind. As such, the railing be the same height and appearance to that which presently exists. In addition, the proposed project will not result in any impacts to public views along this major coastal access route and scenic area. Therefore, the Commission finds the proposal consistent with Section 30251.

6. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is within Mission Bay Park which is an unzoned area. The subject site is unzoned. The project is consistent with all applicable Chapter 3 policies of the Coastal Act, the certified Mission Bay Park Master Plan and Local Coastal Program Addendum. As such, the Commission finds that approval of the proposal will not prejudice the ability of the City of San Diego to obtain a certified LCP for the Mission Bay Park area.

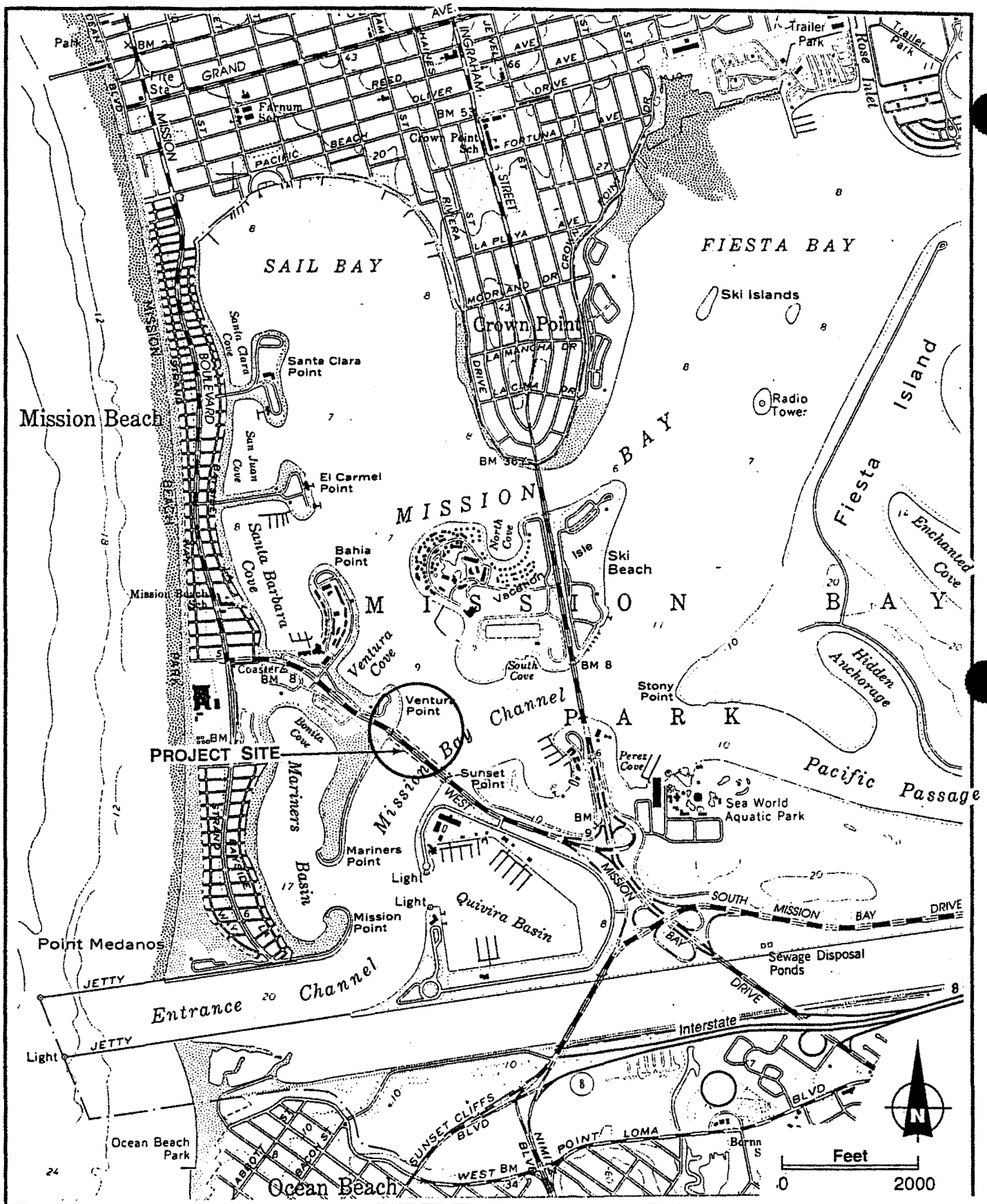
7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the sensitive resource and public access policies of the Coastal Act. Mitigation measures,

including conditions addressing mitigation consistent with the biological/environmental report and prohibition of construction activities during the non-nesting season of sensitive bird species, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



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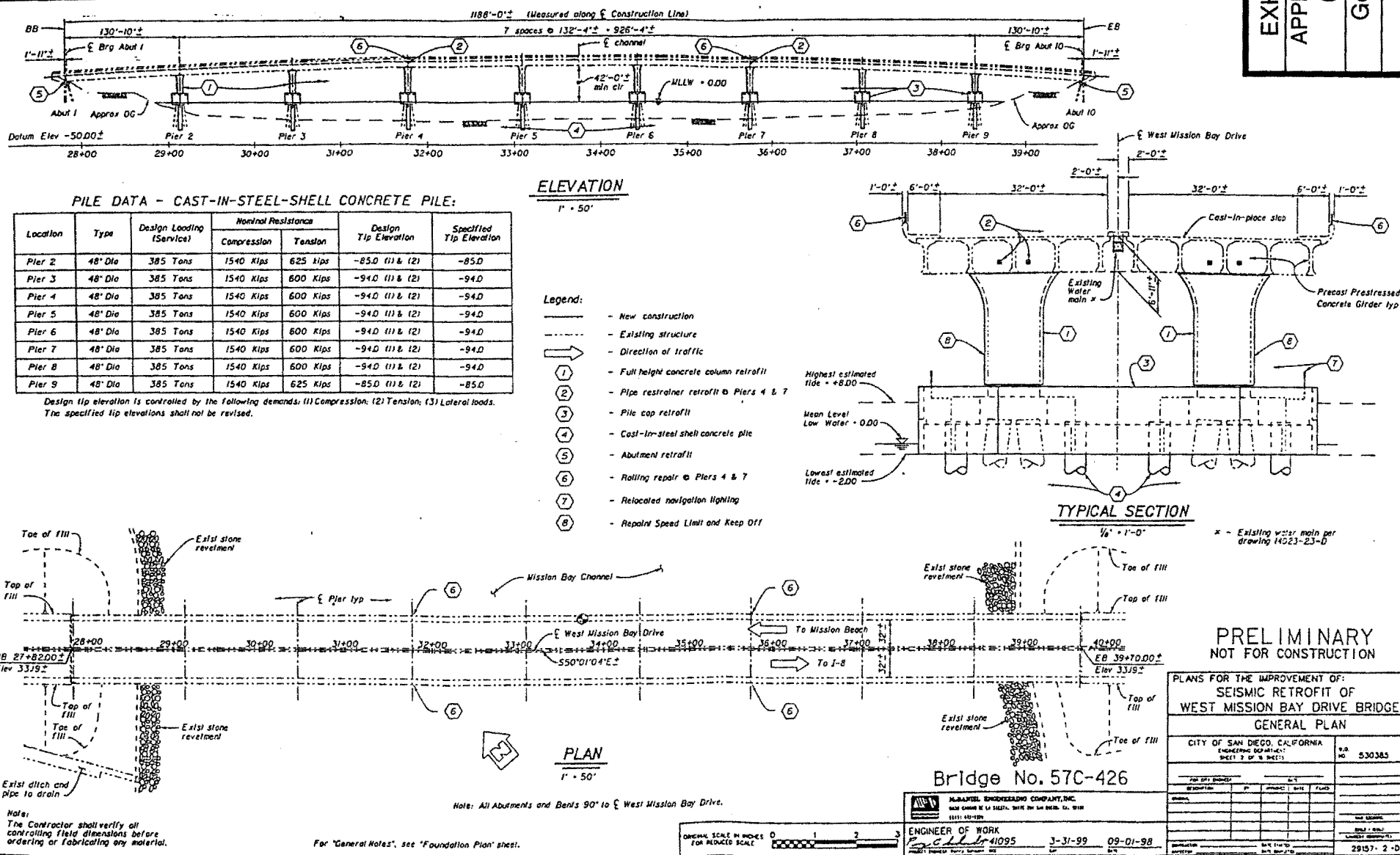
# LOCATION MAP

Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT REVIEW

EXHIBIT NO. 1  
APPLICATION NO.  
**6-01-36**  
Location Map





Filename: p:\750\751\10\westmib\75101.gpl.xd1

Date: 08 OCT 91 Time: 15:28:23



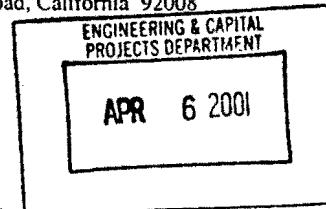
United States Department of the Interior

Fish and Wildlife Service  
Ecological Services  
Carlsbad Fish and Wildlife Office  
2730 Loker Avenue West  
Carlsbad, California 92008



In Reply Refer To: FWS-SDG-1592.1

Ms. Kris Shackelford  
City of San Diego  
Engineering & Capital Projects  
Transportation & Drainage Design Division  
1010 Second Avenue, Suite 1200  
San Diego, California 92101



APR 03 2001

Re: West Mission Bay Drive Bridge Retrofit Project in the City of San Diego, California

Dear Ms. Shackelford:

The U.S. Fish and Wildlife Service (Service) attended a site visit on February 8, 2001 regarding the City of San Diego's (City) proposed West Mission Bay Drive Bridge Retrofit project. Attendees included Mark Tucker from the U.S. Army Corps of Engineers, Josh Garcia and Martin Kenney of the Service, Ellen Lirley and Chris Flynn of the California Coastal Commission, Anthony Tomera, Roberta LaFrata, Marla Nunley, and Kelly Finn of the California Department of Transportation, John Kovac, Kris Shackelford, Ron Ghavami, John Revels, and Kerry Santoro of the City of San Diego, Keith Merkel of Merkel and Associates, Inc., and Perry Schacht of TY Lin International. The purpose of the meeting was to discuss the proposed bridge retrofit activities, project timeline, minimization, and avoidance of federally endangered species, and the permitting process.

We expressed our concern that the proposed pile driving, center-relieve drilling, and removal of the pile skirts for the bridge retrofit may have an adverse impact to nesting California least terns (*Sterna antillarum browni*, terns) at the nearby Mariners Point colony. This nesting site is approximately 1500-feet from the proposed bridge retrofit. Mariners Point has been one of the most successful tern nesting colonies in southern California and is designated as a sensitive area under the City's Multiple Species Conservation Program (MSCP). Table 3-5 of the MSCP also specifies that management directives should include, among other things, protection against detrimental edge effects to the species. Mariners Point supported over 500 breeding pairs of terns in the 1998 and 1999 seasons, and 345 pairs in 2000.

During this meeting several issues were agreed to regarding avoidance and minimization measures for nesting terns and the construction timeline. The following items summarize our understanding of the resolutions.

1. This project will take one year to complete. The first phase includes pile skirt removal, pile driving of the casing, and center-relieve drilling within the casing and will take approximately six months. This portion of the project will be executed outside of the tern breeding season (September 1-April 1). If the project proponent wants to initiate

EXHIBIT NO.
APPLICATION NO.
6-01-36
Letter from USFWS
California Coastal Commission

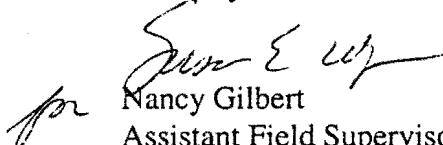


construction prior to September 1 they must request concurrence from the Service. A tern survey may be needed to determine nesting status. This phase of the project must be completed prior to the tern breeding season, which begins April 1. Night time work will be allowed to further assure that this portion of the project will be completed prior to the breeding season. In addition, the City will incorporate monetary penalties into any construction contract to ensure that the first phase of the project is completed prior to the tern breeding season. If terns begin to arrive and construction has not been completed, then the contractor will have to stop work on the pilings for the entire breeding season and begin again after the season.

2. To avoid indirect impacts to the tern colony, the construction staging area will be moved away from Mariners Point.
3. The second phase of the bridge retrofit project consist of reinforcing the bridge columns, to include drilling and the addition of rebar for additional bridge strength. Every effort should be made in this phase of the project to reduce any possible indirect impacts to terns since it is scheduled during the breeding season. The Service has agreed that this activity, as presented, will not increase ambient noise levels near the breeding colony. However, any alterations to phase two activities that may affect nesting terns would have to be terminated or addressed in a section 7 consultation pursuant to the Endangered Species Act (Act) of 1973.

If you have any questions, comments, or corrections please contact Josh Garcia of the Service at (760) 431-9440.

Sincerely,

  
for Nancy Gilbert  
Assistant Field Supervisor

